

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 500 be amended to read as follows:

- 1 Page 1, delete lines 1 through 17.
- 2 Page 2, delete lines 1 through 14.
- 3 Page 2, line 19, delete "The secretary of state." and insert "**An**
- 4 **individual selected under section 7 of this chapter to serve only for**
- 5 **the purpose of breaking a two (2) to two (2) tie that has occurred**
- 6 **in the votes cast by the members of the commission.**".
- 7 Page 4, line 1, delete "the secretary of state)" and insert "**an**
- 8 **individual selected under section 7 of this chapter)**".
- 9 Page 4, delete lines 25 through 40.
- 10 Page 5, line 1, after "commission" delete ", including:" and insert
- 11 "**(other than an individual selected under subsection (c))**".
- 12 Page 5, delete lines 2 through 4.
- 13 Page 5, run in lines 1 through 5.
- 14 Page 5, delete lines 9 through 12, begin a new paragraph and insert:
- 15 "**(c) When the casting of a fifth vote is necessary only for the**
- 16 **purpose of breaking a two (2) to two (2) tie that has occurred in the**
- 17 **votes cast by the members of the commission, the commission shall**
- 18 **proceed as follows:**
- 19 (1) **Not later than three (3) business days after the two (2) to**
- 20 **two (2) vote of the commission, the commission members who**
- 21 **are members of the same major political party shall together**
- 22 **select as an arbitrator an individual who is:**
- 23 (A) **an Indiana resident; and**
- 24 (B) **qualified to serve on an American Arbitration**
- 25 **Association panel.**
- 26 (2) **Not later than five (5) business days after the date of the**
- 27 **last selection under subdivision (1), the two (2) arbitrators**
- 28 **selected under subdivision (1) shall select as a third arbitrator**
- 29 **an individual who is:**
- 30 (A) **an Indiana resident; and**
- 31 (B) **qualified to serve on an American Arbitration**

- 1 **Association panel.**
- 2 **(3) Not later than ten (10) business days after the date the**
- 3 **third arbitrator is selected under subdivision (2), the**
- 4 **commission shall convene in a public meeting at which the**
- 5 **third arbitrator:**
- 6 **(A) is present in person;**
- 7 **(B) takes an oath as a member of the commission only for**
- 8 **the purpose of casting a fifth vote in the matter in which**
- 9 **the two (2) to two (2) vote of the commissioners occurred;**
- 10 **and**
- 11 **(C) casts the fifth vote.**
- 12 **(4) The third arbitrator shall base the vote cast under**
- 13 **subdivision (3)(C) on:**
- 14 **(A) a review the portion of the transcript of the**
- 15 **commission's meeting concerning the matter in which the**
- 16 **two (2) to two (2) vote of the commissioners occurred; and**
- 17 **(B) applicable Indiana law.**
- 18 **(5) If only one (1) arbitrator is selected under subdivision (1),**
- 19 **that arbitrator performs the duties described for the third**
- 20 **arbitrator under subdivisions (3) and (4).**
- 21 **(6) A vote taken using the procedure in this subsection is an**
- 22 **official action of the commission and is subject to review to the**
- 23 **same extent and in the same manner as any other official**
- 24 **action of the commission."**
- 25 Page 5, line 15, delete "(including the secretary of state)" and insert
- 26 **"(other than an individual selected under section 7 of this chapter)".**
- 27 Page 5, line 17, delete "(or in the case of the secretary of state, as
- 28 chair)".
- 29 Page 5, line 23, delete "An individual who is designated to serve as
- 30 a".
- 31 Page 5, delete lines 24 through 26.
- 32 Page 5, line 27, delete "party as the secretary of state".
- 33 Page 5, line 28, delete "(or the".
- 34 Page 5, line 29, delete "secretary of state, as chair)".
- 35 Page 5, line 29, delete "or the secretary of state".
- 36 Page 5, line 35, delete "(including the secretary of state)".
- 37 Page 5, line 37, delete "(or in the case of the secretary of".
- 38 Page 5, line 38, delete "state, as chair)".
- 39 Page 6, line 1, delete "An individual who is designated".
- 40 Page 6, delete lines 2 through 4.
- 41 Page 6, line 5, delete "political party as the secretary of state".
- 42 Page 6, line 6, delete "(or".
- 43 Page 6, line 7, delete "the secretary of state, as chair)".
- 44 Page 6, line 7, delete "or the secretary of".
- 45 Page 6, line 8, delete "state".
- 46 Page 6, delete lines 12 through 42.
- 47 Page 7, delete lines 1 through 12, begin a new paragraph and insert:
- 48 **"SECTION 7. IC 3-6-4.1-17 IS AMENDED TO READ AS**

- 1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) If the
 2 commission by unanimous vote of the entire membership of the
 3 commission **(excluding an individual selected under section 7 of this**
 4 **chapter)** finds that a natural disaster or other emergency makes it
 5 impossible or unreasonable for a person to perform a duty or file a
 6 document by the time specified in this title, the commission may issue
 7 an order extending the time for performing the duty or filing the
 8 document.
- 9 (b) An order described in subsection (a) expires not later than thirty
 10 (30) days after the order is issued. The order must include the
 11 following:
- 12 (1) The geographic area subject to the order.
 - 13 (2) The election board or official subject to the order.
 - 14 (3) The duty or filing subject to the order.
 - 15 (4) The specific date by which the duty must be performed or the
 16 document filed under the order."
- 17 Page 7, line 15, after "commission" delete "," and insert "**(other**
 18 **than an individual selected under section 7 of this chapter),"**.
- 19 Page 7, line 15, reset in roman "co-directors,".
- 20 Page 7, line 15, delete "director,".
- 21 Page 7, delete lines 18 through 40, begin a new paragraph and insert:
 22 "SECTION 9. IC 3-6-4.2-6 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Subject to
 24 section 5 of this chapter, the co-directors may each employ an equal
 25 number of employees.
- 26 (b) **The co-directors shall designate one (1) of the employees**
 27 **described in subsection (a) as the office manager for the election**
 28 **division. The employee designated as the office manager:**
- 29 (1) **supervises the day-to-day operations of the election**
 30 **division;**
 - 31 (2) **serves as the office manager at the pleasure of the**
 32 **co-directors; and**
 - 33 (3) **in the employee's capacity as the office manager, reports**
 34 **to the co-directors."**
- 35 Page 7, line 42, delete "(a) The director".
- 36 Page 8, delete lines 1 through 5.
- 37 Page 8, line 6, reset in roman "(a)".
- 38 Page 8, line 6, delete "(b)".
- 39 Page 8, line 6, reset in roman "a co-director".
- 40 Page 8, line 6, delete "the".
- 41 Page 8, line 6, delete "of assistant".
- 42 Page 7, run in line 42 through page 8, line 6.
- 43 Page 8, line 7, delete "director".
- 44 Page 8, line 7, after "notify" delete ",".
- 45 Page 8, line 7, reset in roman "the governor and".
- 46 Page 8, line 7, after "governor" insert ",".
- 47 Page 8, line 11, delete "(b) (c)" and insert "(b)".
- 48 Page 8, line 11, delete "governor secretary of" and insert "governor".

- 1 Page 8, line 12, delete "state".
- 2 Page 8, line 15, delete "governor director" and insert "governor".
- 3 Page 8, line 15, delete "appoint employ" and insert "appoint".
- 4 Page 8, line 18, delete "director" and reset in roman "governor".
- 5 Page 8, line 21, delete "(c) (d)" and insert "(c)".
- 6 Page 8, line 24, delete "(c)," and insert "(b),".
- 7 Page 8, line 24, delete "governor director" and insert "governor".
- 8 Page 8, delete lines 37 through 42.
- 9 Page 9, delete lines 1 through 9.
- 10 Page 9, line 38, after "(8)" insert "(7)".
- 11 Page 9 line 38, reset in roman "Implement".
- 12 Page 9, line 38, delete "(7) Assist the secretary of state with the".
- 13 Page 9, line 39, delete "implementation of".
- 14 Page 9, line 41, after "title" delete ".".
- 15 Page 9, line 41, reset in roman "and appoint members of the
- 16 committee established under 42".
- 17 Page 9, line 42, reset in roman "U.S.C. 15405.".
- 18 Page 10, delete lines 4 through 42.
- 19 Delete pages 11 through 13.
- 20 Page 14, delete lines 1 through 29.
- 21 Page 15, delete lines 5 through 23.
- 22 Page 15, line 26, delete "election division" and reset in roman
- 23 "co-directors or designated employee".
- 24 Page 15, line 28, reset in roman "co-directors".
- 25 Page 15, line 30, delete "election division".
- 26 Page 15, line 33, delete "election division" and insert
- 27 "**co-directors**".
- 28 Page 15, line 36, delete "election division" and insert
- 29 "**co-directors**".
- 30 Page 16, line 14, delete "election division" and insert
- 31 "**co-directors**".
- 32 Page 16, line 18, delete "election division" and insert
- 33 "**co-directors**".
- 34 Page 16, delete lines 24 through 42.
- 35 Page 17, delete lines 1 through 11.
- 36 Page 17, line 15, delete "election division;" and insert
- 37 "**co-directors;**".
- 38 Page 17, delete lines 18 through 42.
- 39 Page 18, line 14, delete "election division;" and reset in roman
- 40 "co-directors;".
- 41 Page 18, line 22, delete "election division has" and reset in roman
- 42 "co-directors have".
- 43 Page 18, delete lines 29 through 36.
- 44 Page 19, line 8, delete "election division" and reset in roman
- 45 "co-directors".
- 46 Page 19, delete lines 10 through 42.
- 47 Delete pages 20 through 23.
- 48 Page 24, delete lines 1 through 32.

- 1 Page 25, delete lines 29 through 41.
- 2 Page 26, line 2, reset in roman "co-directors of the".
- 3 Page 26, line 7, reset in roman "co-directors of the".
- 4 Page 26, delete lines 10 through 35.
- 5 Page 26, line 38, reset in roman "co-directors of the".
- 6 Page 27, line 1, reset in roman "co-directors".
- 7 Page 27, line 1, delete "election division".
- 8 Page 27, delete lines 4 through 18.
- 9 Page 27, line 27, reset in roman "co-directors of the".
- 10 Page 27, line 31, reset in roman "co-directors of the".
- 11 Page 27, line 36, reset in roman "co-directors".
- 12 Page 27, line 36, delete "election division".
- 13 Page 27, delete lines 39 through 42.
- 14 Page 28, delete lines 1 through 11.
- 15 Page 28, line 14, reset in roman "co-directors of the".
- 16 Page 28, line 19, reset in roman "co-directors".
- 17 Page 28, line 19, delete "election division".
- 18 Page 28, delete lines 22 through 42.
- 19 Delete page 29.
- 20 Page 30, delete lines 1 through 2.
- 21 Renumber all SECTIONS consecutively.
(Reference is to SB 500 as printed February 25, 2005.)

Senator LAWSON C